

13th March 2024
Our Ref: 14.546

120 Bermondsey Street
London
SE1 3TX

David Peres Da Costa
London Borough of Camden Council

T 0203 268 2018

By email only

Dear David,

Re: Hall Senior School, 23 Crossfield Road – Non-Material Amendment Application

We are instructed on behalf of our client, The Hall School Charitable Trust ('the Applicant'), to submit an application pursuant to Section 96A of the Town and Country Planning Act (non-material amendments) to amend condition 9 (Details of the Living Roof/ Wall) attached to a planning permission (ref: 2022/4408/P) for development proposals at the Hall School ('the School') at 23 Crossfield Road, London, NW3 4NU. The description of development is as follows:

Extension of existing single storey extension to existing 'Wathen Hall' building with new floor level, following demolition of existing first floor structure, installation of plant and enclosure at roof level to Centenary Building and new PV panels, all to school (Class Use F.1).

This letter summarises the changes to the condition wording and suitability and sets out why the Council would be able to assess them as being non-material.

Background

As you are aware in July 2023 planning permission was granted for a single storey extension to the Wathen Hall building, installation of plant and enclosure at roof level to the Centenary Building and new PV panels to the School.

The School have since progressed with the delivery of this permission, however as the detailed design of the scheme has been developed the School have reviewed a number of design options to facilitate the delivery of living material along the curved living roof along Wathen Hall. A living solution has now been developed and these details have been submitted for the Council's review under the application to discharge condition 9 (ref: 2023/4158/P).

Condition 9 is currently worded as such that the living roof and wall must be completed prior to the occupation of the Wathen Hall extension. Occupation of the extension is targeted for 24th May 2024, which makes use of the half-term holidays to allow the project team to fit the classrooms during the preceding week.

However, due to the lead-in timescales required for the living wall and roof, which totals 10-weeks for the rear living wall alone, this aspect of the scheme cannot be delivered prior to May 2024 and as such, the classrooms could not be occupied until the next school year. In this event, the School would be required to source additional external teaching rooms for the summer term which would place considerable strain and upheaval for the School and students.



Therefore, we are seeking to amend the trigger of condition 9 to allow for the green wall/roof to be delivered by the point of 8 months post occupation of the Wathen Hall extension.

Procedural Matters

As you will be aware, Section 96A empowers a local planning authority to make any change to a planning permission as long as it is satisfied “that the change is not material” (section 96A(1)).

The section 96A power extends to amendments to the description of development, changes to approved documents and amendments to conditions, including the imposition of new conditions or removal of existing conditions (section 96A(3)).

The materiality of the proposed change must be assessed having regard to the existing permission, including the effect of any existing conditions. In deciding whether the change is material, the local planning authority must take into consideration any previous changes under section 96A.

“Materiality” must be assessed by reference to whether the change is material in planning terms, i.e. whether it materially affects the planning merits or otherwise of the scheme. In this instance, the proposed change must be considered in the context of the overall planning permission involving a single storey extension, installation of plant and enclosure at roof level, and the installation of PV panels. The scale of development directly correlates to the scale of amendments that can be made before those changes are considered material.

Summary of Changes

The proposed changes seek to alter the wording of Condition 9 as follows:

Proposed Phasing of Condition
<p>Existing:</p> <p>9. Prior to relevant part begun, full details in respect of the living roof/wall indicated on the approved roof plan shall be submitted to and approved by the local planning authority. The details shall include:</p> <ul style="list-style-type: none"> i. a detailed scheme of maintenance ii. sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used and showing a variation of substrate depth with peaks and troughs iii. full details of planting species and density iv. details of any fall arrest system <p>The living roof/wall shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme.</p>
<p>Proposed:</p>

9. Prior to relevant part begun, full details in respect of the living roof/wall indicated on the approved roof plan shall be submitted to and approved by the local planning authority. The details shall include:

- i. a detailed scheme of maintenance
- ii. sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used and showing a variation of substrate depth with peaks and troughs
- iii. full details of planting species and density
- iv. details of any fall arrest system

The living roof/wall shall be fully provided in accordance with the approved details at the point of 8 months post occupation of the Wathen Hall extension and thereafter retained and maintained in accordance with the approved scheme.

The proposed amendment to Condition 9 is simply to amend the trigger from pre-occupation to 8 months post occupation. This will allow the School to ensure that the new classrooms can continue to be occupied for teaching in May 2024. Ultimately, this amendment is sought to avoid disruption to the students' education.

Given that the amended wording of the condition continues to require that the green roof/wall is delivered on site, it is evident that this change to the wording of the condition is non-material. The proposed wording continues to require that the living wall and roof are delivered on site, thereby providing the Council with sufficient powers to ensure that this requirement is met, in line with the current structure of the condition.

Conclusion

This letter supports a Section 96A application to vary condition 9 (Green Roof) relating to development at the Site.

Please find the following information and supporting documents submitted via the Planning Portal under reference ([PP-12809909](#)):

- Planning application form;
- Site Location Plan (prepared by NORR Architects); and
- Covering Letter (prepared by Boyer).

It has been demonstrated that the amendments will not have any material impact on the planning permission as a whole and as such, can be approved via s96A(3).

We trust you have everything you need in order to approve the applications, however please do not hesitate to contact me if you have any queries or if there is anything further you need.

Yours sincerely

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